

In the Drawings:

FIG. 1a has been amended to show reference 103 and to the radii of the overlapping holes. An amended sheet is attached.

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REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

Support for Amendments:

Applicant has amended the claims to clarify the distinctions with the prior art cited by the Examiner. Each complex aperture is made up of at least one set of two overlapping holes having an offset of a given distance therebetween. In order that the holes overlap, it is necessary that this offset be less than the sum of the radii of each such adjacent overlapping holes. If the holes are identifiably the same diameter, then this sum equals the diameter of the holes. In order that the holes be capable of receiving and holding a bone screw, a necked down portion must exist between overlapping holes. All the figures in the instant application show overlapping holes with a necked down portion therebetween, such feature existing primarily for the purpose of allowing a bone screw to be independently secured to one or the other of these holes. For example, on page 8, first full paragraph, the application states the following:

Page 8, lines 4-6:

...the form 104 of the chamfer does not allow for the placement of the screw 24 at any position along the length of the aperture (rather, *there are only two possible positions: coaxial with the holes 100*). (*emphasis added*)

Page 8, line 21-Page 9, line 3.

Note that the threaded apertures 100 used in the invention provide hole centers located at specific locations (as opposed to apertures that are formed as a slot). Use of threads centered at a specific point allows the bone screw to be fixed at a specific location at which the surgeon may judge the bone structure to be best suited to support such a bone screw. Unlike designs using a slot, the apertures 100 of the invention eliminate wander of the screw in the

aperture. This further permits placement at specific locations for buttressing and/or secure fixing in neutral screw loading areas.

Page 10, second full paragraph:

In another feature, locking bone pegs (not shown) interface with the threaded apertures. The threads cut in the head of these pegs are designed so as to lock with the threaded apertures in order to better ensure rigid fixing of a fracture when using pegs having a body without threads. The locking feature used can be any of the known methods of locking threads by mechanical means.

From the above and throughout the application as filed, it is clear that each hole is adapted to receive a locking bone screw which securely fixes thereto. To be able to securely place bone screws in either hole, the offset must be sufficient enough to define a necked-down portion between offset overlapping holes. Because hole size between overlapping holes can vary, in order to define this necked down portion, the offset should be greater than a radius of a larger such overlapping holes.

Claim Rejections:

35 U.S.C. § 112:

The Examiner rejected claims 1-16 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Although Applicant traverses the Examiner's rejection (in that, for example, Applicant may disagree with the Examiner's apparent definition of the terms), for clarity's sake and to move the application to allowance, Applicant has amended the claims such that it cannot be fairly asserted that the claims, as now amended, are not fully supported by the specification as filed. In particular, the objectionable language has been deleted from the claims. It is believed therefore that the rejection of the Examiner is overcome.

35 USC §102

The Examiner rejected claims 1-14 and 16 under 35 U.S.C. §102(e) as being anticipated by Weaver et al (US Patent No. 6,623,486), whose arguments include an

assertion that “overlapping holes can be considered to be holes (56b/c) because the holes can be considered completely overlapping without any offset between them...” The Examiner appears to be saying that any hole can be considered two overlapping holes merely because one can imagine that a hole can be comprised of an infinite number of holes which completely overlap (where the offset is zero). If the Undersigned has misunderstood the Examiner, and the present arguments and amendments don’t fully deal with the Examiner’s rejection, clarification is requested. Further, it appears that the Examiner is arguing that because claim 1 is broad, Weaver can be interpreted as showing an offset of 15mm. Applicant’s wish to point out that the claim of the instant application which calls out 15 mm is a dependent claim. It is believed that claim 1 is patentable and, consequently, by virtue of claim 12’s dependence on a patentable claim, it too is patentable.

In the Examiner’s “First Interpretation”, it appears that he is asserting that the slots 58 can be considered overlapping holes, apparently, because the Examiner believes that a slot may be comprised of a large number of adjacent overlapping holes. Applicant traverses this rejection because Weaver refers to these holes 58 in the singular as “non-threaded plate holes”, and not as overlapping holes. In Weaver, hole 58 is a single hole, not two overlapping holes. Further, even if the slot 58 were to be considered overlapping holes (and they are not), there are no threads in these holes 58. Applicant’s claims are hereby amended to specifically require that each overlapping hole have female threaded surfaces formed therein adapted to lock with threads of a corresponding bone screw. Considering therefore that Weaver’s slots 58 lack threads, Weaver’s slot 58 lack a critical feature required in Applicant’s amended claim 1 and therefore, this rejection under §102 is overcome. Consequently, claims 1-14 and 16 are believed to be in condition for allowance. Acknowledgement of this fact is respectfully requested.

35 USC §103

The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Weaver et al in view of Cesarone (US5851207). In light of the arguments related

to Weaver and its irrelevance to the present claims, Cesarone adding nothing more but a reference to a drill guide, it is believed that claim 15 is in condition for allowance. Acknowledgment of this fact is respectfully requested.

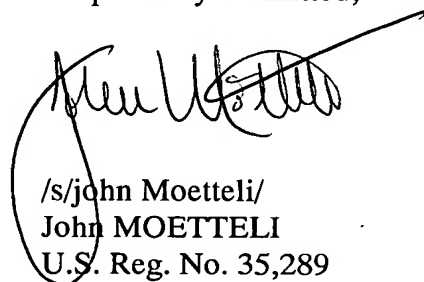
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Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at **moetteli@patentinfo.net**.

The Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,



/s/John Moetteli/
John MOETTELI
U.S. Reg. No. 35,289

Date : 6 May 2007

Enclosure: Replacement Sheet
Information Disclosure Statement